INTERNATIONAL CIVIL AVIATION ORGANIZATION

Second Meeting of the Africa - Indian Ocean Aviation System Planning and Implementation Group (AASPG/2)

Livingstone, Zambia, 2 - 6 November 2026

Agenda Item 4: Implementation of air navigation goals, targets and indicators, including the priorities set in the regional air navigation plan

Irregular overflight of the airspace of the Democratic Republic of Congo by charter flight operators

(Presented by the Democratic Republic of Congo)

SUMMARY	
This Working Paper addresses the issue of irregular overflights of the airspace of the Democratic Republic of Congo by charter flight operators. An administrative and procedural irregularity may, under certain circumstances, constitute a violation of the rules applicable to the use of national airspace, with potential consequences for the safety, security, and regularity of international civil aviation operations in the Region. Action to be taken by the Meeting is in paragraph 3.	
REFERENCE(S)	- Chicago Convention, Articles 1, 3 bis, 5 and 68; - Annexes 2, 9, 11, 15, 17 and 19; - Doc 9985, Air Traffic Management Security Manual; - Doc 9433, Manual on Interception of Civil Aircraft; - Law No. 10/014 of 31 December 2010 relating to Civil Aviation, as amended and supplemented by Law No. 23/001 of 12 January 2023".
Strategic Goals	A. Every Flight is Safe and Secure C. Aviation Delivers Seamless, Accessible, and Reliable Mobility for All

1 INTRODUCTION

1.1 This Working Paper examines the difficulties related to the effective implementation of international requirements mandating aircraft operators to request and obtain overflight and/or landing clearances required by the applicable provision, prior to any entry into an airspace.

1.2. Though this paper focuses on the case of the Democratic Republic of Congo, this issue may arise in other States within the AFI Region. It is, therefore, proposed to draw the attention of the AASPG to this matter so that it may be examined at the regional level.

2. DISCUSSIONS

2.1. Under Article 1 of the Chicago Convention, every State has complete and exclusive

sovereignty over the airspace above its territory. In this regard, any aircraft overflying a national territory is required to comply with the aviation regulations and applicable procedures of that State.

2.2. This year, more than two cases of irregular overflight were recorded in the airspace of the Democratic Republic of Congo, notably by charter flight operators. Although these irregularities are, at first glance, an administrative matter primarily linked to the use of erroneous or non-compliant overflight clearance numbers, the fact they regularly occur raises concerns regarding compliance by certain charter flight operators with the statutory and regulatory provisions applicable in the Democratic Republic of Congo.

2.3. Given the nature and repetition of these irregularities, particularly those relating to the use of inaccurate or invalid overflight clearance numbers, the Democratic Republic of Congo considers that this situation deserves specific attention. Indeed, such practices may affect the safety of civil air navigation and, more broadly, undermine the efficiency of air traffic management (ATM) arrangements at the regional level.

2.4 On 24 May 2026, flight PHN12, operated by a C56X aircraft registered 5Y-WHB and operated by Phoenix Aviation, was flying from Kigali (KGL) to Brazzaville (BZV) following a Nairobi–Kigali flight. The reference number AAC/S/0365/0178/26 was provided as the overflight clearance for the DRC. Upon verification by the Kinshasa units, this reference could not be traced or confirmed as valid for that flight. Prior reports indicate that the aircraft was held in a holding pattern near Kinshasa and was subsequently instructed to land at N'Djili; it ultimately proceeded to Brazzaville. This case highlights the importance of direct and prompt authentication with the clearance-issuing authority.

2.5. Another case that was reported on 2 October 2026 concerns an ASECNA air navigation aids calibration aircraft that was scheduled to fly from Garoua to Kigali. According to the reported information, entry into the Kinshasa FIR was denied because the provided clearance number (No. AAC/S/1188/1402/26) did not correspond to a valid clearance; the aircraft diverted and landed in Bangui. The AAC/RDC, the RVA, and ASECNA/Brazzaville were involved in resolving this issue to enable the crew to proceed.

2.6. If situations of this nature are repeatedly observed within the airspace of the Democratic Republic of Congo, it cannot be ruled out that similar cases could also occur in other parts of the AFI Region. This issue is therefore of regional interest and could justify a concerted approach between States, civil aviation authorities, air navigation service providers, and the operators concerned.

2.7. It is therefore appropriate to recall the need, on the one hand, for States to ensure the effective implementation of the provisions of Annex 9 to the Chicago Convention, Chapter 2, Section F, regarding the publication in the national AIP of accurate and updated information concerning the contact details (physical address, email address, telephone number, website, etc.) of the State agency to which requests for overflight and/or landing clearances must be submitted, and, on the other hand, for charter flight operators to fully comply with the applicable procedures for requesting and obtaining such clearances.

2.8. Compliance with these provisions would reduce administrative irregularities likely to be treated as intrusions and trigger interception measures.

2.9. To this end, the Democratic Republic of the Congo wishes to draw the attention of participants to the fact that overflight and/or landing clearances requests for its airspace can be submitted in a simple, orderly, and expeditious manner via the platform www.clearance.aacrdc.org.

2.10. Repeated offenses must be subject to appropriate and deterrent measures, in accordance with applicable provisions, in order to preserve the safety, efficiency, and seamlessness of air navigation

within the Kinshasa FIR, while reconciling the operational requirements of civil aviation with the exercise of State sovereignty over its airspace.

3 ACTION BY THE MEETING

3.1 The Meeting is invited to:

a) note the information provided; and
b) encourage States to strengthen arrangements for requesting, granting, verifying, and authenticating overflight and/or landing clearances.